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COMMENTS:

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Client-Matter No. 101896-241

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RECEIVED
CENTRAL FAX CENTER**FEB 16 2005 PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Mark Boomer et al.	Group Art Unit: 3732 Examiner: David Comstock
Application No.:	10/708,919	
Filed:	March 31, 2004	
Entitled:	ADJUSTABLE-ANGLE SPINAL FIXATION ELEMENT	
Docket No.:	101896-241 (DEP-5293)	

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February 16, 2005

By: 

Date of Signature and Mail Deposit

Lisa J. Michaud, Reg. No: 44,238
Attorney for Applicant(s)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This communication is in response to the Office Action dated February 8, 2005, requiring election of the above-referenced application to one of the following species:

- I. Figure 1A;
- II. Figure 4A; and
- III. Figure 5A.

The Examiner submits that no claims are generic.

At the outset, Applicants note that the list of species is incorrect and should read as follows:
(I) Figures 1A-1D, (II) Figures 2A-3B, (III) Figures 4A-4B, (IV) Figures 5A-5C.

Applicants elect the Group I species (Figures 1A-1D).

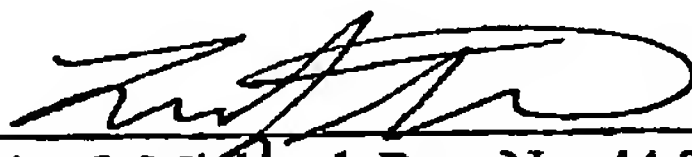
U.S. Serial No.: 10/748,919
Filed: March 31, 2004
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Examiner: David Comstock
Atty. Docket No.: 101896-241 (DEP-5293)

Claims 1, 7-11, and 42 are generic to all species. Claims 2, 12-20, 43, and 45-50 read on the Group I species (Figure 1A). Accordingly, remaining claims 3-6, 21-41, 44, and 51-59 are withdrawn from consideration as being drawn to a non-elected species.

The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Respectfully submitted,

Date: February 16, 2005



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